



City of Arts & Innovation

COMPREHENSIVE SIGN CODE UPDATE SIGN CODE REVIEW COMMITTEE MINUTES

Thursday, February 13, 2014
4:00 p.m.

MAYOR'S CEREMONIAL ROOM, CITY HALL
3900 MAIN STREET

1. Attendance

Committee and Community Members: Robin Bell, Thomas Riggle, Steve Whyld, Finn Comer, Christina Duran, Tina Teets, Sandy Austell, Rod Perry, Jeff Kraus, Nancy K. Parker, Mark Earley, Dennis Morgan, Claudia Rodriguez, Janice Bielman, Jennifer Gamble, Pepi Jackson, Michael Johnston, Robin Lang, Scott Andrews, Damien O'Farrell, Janice Penner, Allison Dale

Staff: Planning Division: Doug Darnell, Jay Eastman, Frances Andrade
City Attorney's Office: Robert Hansen

Consultants: Randal Morrison, Sabine & Morrison; Vivian Kahn, Dyett & Bhatia

Chair Riggle called the meeting to order.

2. Approval of December 9, 2013 meeting minutes

The minutes of December 9, 2013 were approved as presented.

MOTION made by Finn Comer, SECONDED BY Sandy Austell, TO APPROVE the minutes of December 9, 2013 as presented. MOTION CARRIED: Unanimously.

3. Nomination of Alternative Chairperson

Chair Riggle asked for nominations for alternate chairperson.

Dennis Morgan nominated Finn Comer for alternate chairperson.

Finn Comer nominated Bob Stockton for alternate chairperson.

Mr. Morgan withdrew his nomination and supported Mr. Comer's nomination.

MOTION MADE BY Finn Comer, SECONDED BY Dennis Morgan, TO APPOINT Bob Stockton as the alternate chairperson. MOTION CARRIED: Unanimously.

4. Oral Communications from the audience

Chair Riggle asked if there was anyone in the audience who would like to speak. There was no one present requesting to speak, the chair continued to the next item.

5. Welcome, Introductions & Meeting Objectives

Doug Darnell, Senior Planner, stated he appreciated the time the Committee members have been willing to commit to this effort. He noted that he sent everyone, via email, the agenda and an “Issues and Options Report” for their review. He had asked that the Committee members to review the report and attend today with questions, input and suggestions to make this Code better. He introduced Vivian Kahn with Dyett and Bhatia, and stated that she will be covering that report.

Mr. Darnell also added that a memorandum from Randal Morrison, outside legal counsel, was sent out with the agenda. Mr. Morrison listed a number of legal issue and topics in his memo. Hopefully everyone has had a chance to look at that. If there are any questions from the Committee regarding anything in the memo, Mr. Morrison is available today to answer those questions.

Ms. Kahn stated that she felt it was important for the Committee to have an opportunity to ask questions of Mr. Morrison. It is important during this process that the Committee keeps in mind that there are constitutional principles and requirements to which the ordinance has to adhere. She touched on them briefly in the report, but essentially the things to remember are time, place and manner. Time, place and manner are things that can be subject to regulation, as long as the regulations are content neutral. When you make a suggestion for a change, keep these things in mind. If it is unclear if a regulation is content neutral, consider whether the regulation is telling someone what they can say on a sign. Content neutral signs focus on the time, place and manner of the signage rather than the content.

6. Draft Report “Issues and Options for Sign Regulation”

Ms. Kahn informed the Committee that her presentation today would cover the “Issues and Options” report. She will be looking at the current regulations and guidelines. As well, a number of policy questions have been posed and this is where she would like to focus. The policy questions are areas that they would like to get the Committee’s direction because these will guide the policy decisions regarding how far the City will go to regulate signs. Because there is a lot of material in this report, she will be breaking it up into two parts. At the next meeting she will be addressing: exempt signs, temporary signs, prohibited signs, issues like digital billboards, as well as administration and enforcement and the definitions. She encouraged the Committee to ask any questions.

The meeting was interrupted due to an emergency alarm. Chair Riggle announced that should the evacuation go over 20 minutes, the meeting would be cancelled. The Committee evacuated the 7th floor at 4:40 p.m. and walked to White Park.

Chair Riggle reconvened the meeting at 5:10 p.m. He thanked everyone for returning to the meeting. Ms. Kahn continued with the presentation from which the following topics were discussed:

- **Tall Buildings – More than Three Stories.** Policy question of whether the sign area calculation should apply to all signs on the building (lower stories and upper floor), or just to the sign located at the top of a building. Presumably you don’t want advertising at the top of a building. It was suggested that signage at the top of the building be limited to just the name of establishment or logo. The consultant attorney

recommended defining the area only, and let the owner decide what to put in the area. Out of self-interest owners will put the name of the building or name of the business. This relates to the legal issue of regulating content versus time, place and manner.

- **Sign Budgets.** The consultant suggested that sign budgets are a good idea to consider. They do not have to be the same for in all non-residential areas. You can have one district with one formula, and in another area could use another sign budget formula. You can have local specialization. The Committee requested examples of sign budgets used in other communities (which the consultant will provide).
 - Committee questioned if a sign budget can be limited by use, with a different formula for different uses? There are very few cases supporting this. Yes, if for example, a budget could be applied to car dealerships. For retail a good example would be a retail outlet with at least two acres of land, and the signage advertising merchandise for sale on the land.
- **Encroachment Permits.** Encroachment permits are required for signs extending into the public right-of-way. This currently involves a permit of around \$600. Is there a way to allow sign encroachments without the cost of the permit?
- **Manufacturer/Corporate Requirements.** A Committee member pointed out that there is frequently standard signage for corporations, and that deviating from the corporate branding is a non-starter for many franchise type businesses. The consultant attorney stated the City can try to write the sign ordinance to accommodate whatever a manufacturer wants, but it is the City that makes the rules, not the manufacturer. The City should be aware of corporate/manufacturing trends, and write the Code accordingly, as variances are not a good approach to accommodating corporate/manufacturing interests.
- **Specific Plans.** The Committee asked whether this effort would get into individual specific plans or defined areas? This effort will not go through every specific plan and identify provisions that should be changed; the same way we are not dealing with off premises signs (billboards). However, there may be provisions that come out of this effort that everyone decides would be appropriate to carry forward. If so, there would be a separate review and adoption process for the specific plans.
- **Window Signs.** Windows are example of where an additional level of guidance is currently defined in “design Guidelines, whereas it should be in the Code. The consultant provided an example wherein the guidelines state “no more than 15% of the area of all windows in the building”, which raises an issue of one or two people using up the entire allotment of sign for everyone in a building/center. Also, the Code limits area of window that can be covered by temporary signs; but not for permanent signs.

A Committee member asked if signs hung a certain distance from window (e.g., 9 or 10 inches) are subject to window sign requirements? How do we define what is a window sign versus an item inside the building? The consultant stated the Code currently does not consider something placed behind the window to be a window sign. This brings up the question of how far back can you place something before it is no longer a window sign or how close to the window does it have to be?

- **Merchandise on display in the window.** The consultant questioned whether merchandise on display in a window is counted as signage? The consultant attorney's opinion is that it is better to not count it as signage; one of the Committee members said one person's subjective opinion of good, clean, precise merchandising is garbage to another, and differentiating them is not an easy thing.
- **Message Centers.** It was clarified that a message center is often a small digital sign that is easy to change the image. A lot of businesses have small message centers; a Committee member stated she was curious about this, because this is the only acceptable way a lot of people can get their message out.
- **Design Guidelines.** The consultant asked if it would make sense to include Design Guidelines in the Code? Legal Counsel's opinion is that design guidelines are not enforceable as law. Guidelines should not be considered regulations and should not be in the Code, for the following reasons:
 - One of the biggest problems with guidelines is when a client/landlord has plans drawn up, but are unaware of guidelines, then the sign project goes sideways when they come to the City and find out they don't meet the guidelines. It was expressed that, even though guidelines are not enforceable as law, many planners think they are.
 - "Guidelines" should not be part of the code, but the code should be clear with regards to how any guidelines are used and applied, and describe what process is available if there is disagreement with a decision based on the guidelines.
 - Sign application information should also identify where to obtain guidelines, and how they are to be used.
 - Are standards needed to promote pedestrian activity, and allow views into building interiors? Currently this is in the Guidelines, but not in the Code itself.
- **Window Wrap Graphics.** With respect to window blockage, a current trend in retail right now, is window wrap, or graphics that completely cover windows (i.e. lifestyle wrap with some graphic or picture).
 - Do we define this as signage, even when it does not have name/text on it?
 - Current Code addresses murals. Should the City treat window wrap the same as murals and allow window wrap to completely cover windows? There are examples of other cities that do not allow windows to be completely covered. Chino & West Covina only allow 25% coverage. Additionally, there is case law that supports determinations of murals as signage if they are being used to promote a commercial activity. An example was provided of a dog mural next to a dog park, on the side of a building that sells dog products (the "Wag More Dogs" case).
 - Fullerton has criteria that in their Downtown that all windows have to be unobstructed. This requirement is not out of the Sign Ordinance, so much as the City did not want windows blocked out for pedestrians. When walking down the street next to a solid wall, whether it is covered glass or not, it takes away from the pedestrian environment. The nexus for regulation was based on a pedestrian environment, ensuring retail frontage, and trying to encourage retail activity.

Safety is also a factor, as the Policed Department cannot see into bars/nightclubs if the windows are covered over.

Chair Riggle announced that hour was getting late. He suggested that Ms. Kahn start to wrap up to allow time for any questions or comments from the members. Any of the remaining items could be continued to the next meeting.

Ms. Kahn informed the Committee that at the next meeting she would be going over: Exempt Signs, Temporary Signs and Residential Signs. She will be adding from today's meeting, freestanding signs and pylon signs which aren't currently in the City's Ordinance. She will be getting into sign features such as illumination, sign features, digital signs and administration and enforcement of signs. She asked for the Committee to consider such things as whether there should be provisions for modification and waiver of standards rather than requiring a variance for something that does not meet the requirements. How should the guidelines be incorporated and addressed in the sign regulations? Should you require some kind of registration for temporary signs? She noted there are standards in the Code for temporary signs but do the people who put these signs up know about them? The City doesn't know about them because nobody has to ask permission and the thought is a modest fee just to track them. She will also be going over the definitions at the next meeting. She informed the Committee that after the March meeting, the next step will be to provide them with an annotated outline of what they think the new sign regulations could look like. It will contain explanatory commentary that explains their recommendations and any modifications made to the Sign Code.

There were no additional questions or comments from the Committee.

7. Next Steps

Mr. Darnell thanked everyone for attending. He apologized for the earlier inconvenience and stated he looked forward to the next meeting. He reiterated that he will be sending out an email with a link to the Design Guidelines and Code to the members.

Jeff Kraus, UCR representative, pointed out that many had difficulty seeing the power point slides clearly. He asked that for future meetings, the issues and photographs should be put on different pages so that they can have a better understanding of what was being presented. It is difficult to differentiate the nuances between the good and bad.

Chair Riggle encouraged everyone to attend these meetings. There are 40 members and a quorum of 20 members is needed to have a meeting. If there isn't a quorum, it is a waste of everyone's time. He stated he looked forward to seeing everyone at the next meeting.

8. Adjournment

Chair Riggle adjourned the meeting at approximately 6:00 p.m. to the next meeting of March 13, 2014 in City Hall, Mayor's Ceremonial Room, 7th Floor Mayor's at 4:00 p.m.